

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 793 of 2012

1. Arjun Tandon S/o Devsharan Tandon, aged about 20 years,
2. Raja @ Leelaram Kosre, Sonu Ram Kosre, aged about 21 years,
Both are R/o Village Kholipara Nawapara, P.S. Gobra Nawapara, District Raipur (C.G.)

---- Appellants

Versus

State of Chhattisgarh through the Thana Incharge- Arakshi Kendra Gobra Nawapara, District Raipur (C.G.)

---- Respondent

For Appellants	:	None.
For Respondent	:	Mr. Shubham Verma, PL

Hon'ble Shri Justice Arvind Singh Chandel
Judgment on Board

14/10/2019

1. By the impugned judgment dated 27/08/2012 passed in Session Trial No. 21/2011 by the Additional Sessions Judge, Gariyaband, District Gariyaband (C.G.), the Appellant has been convicted under Section 394 read with 397 of the IPC and sentenced to undergo RI for 7 years and to pay fine of Rs. 5000/- with default stipulations.
2. Facts of the case are that on 07/02/2011 at about 11 pm, Complainant Sanjay Ojha (PW2) and Omlal Joshi (PW2) were returning on a motor-cycle bearing registration No. CG04 DF 3543 from Hathbay to Singarbhata. When they stayed near village Kurat, at that time three unknown persons came there on a motor-cycle. Out of those three persons, one person stabbed Sanjay Ojha in his leg by a knife and looted purse, Rs. 3500/-, one china mobile and two SIMs. On the

basis of said report, offence has been registered against the unknown persons. On 12/02/2011 during town petrolling, the Appellant as well as other accused namely Baba @ Rakesh were caught by the police officials. Their memorandum statements were recorded. On the basis of their memorandum statement, looted property were seized. During TIP they were identified by the Complainant. After completion of investigation, a charge-sheet has been filed. Trial Court framed the charges. As many as 18 witnesses have been examined. No defence witness has been examined. Statements of the Appellants under Section 313 of the Cr.P.C have been recorded, wherein they have pleaded their innocence and false implication in the matter.

3. After trial, the trial Court has convicted both the Appellants and sentenced as mentioned paragraph one of this judgment. Hence, this appeal.
4. A certificate of incarceration sent by the Jail Superintendent, Central Jail, Durg would mention that Appellant Arjun has been released on 06/05/2015 and Appellant Raju has been released on 02/05/2015 after completing the entire jail sentence imposed upon them by the Trial Court.
5. Since no one appears for the Appellant today, I decide this appeal on merits.
6. I have heard Learned Counsel appearing for the State and perused the record to assess the correctness of the impugned judgment of conviction.
7. Both Complainant Sanjay Ojha (PW1) and Omlal Joshi (PW2) in their Court statements have categorically stated that on 07/02/2011 when

they were returning from village Hathbay to Singarbhatta on a motor-cycle, on the way both the Appellants and co-accused overtake them and assaulted them by hands and fists, and by a knife. They looted their purse, mobile phones and SIMs. As stated by Sanjay (PW1), he sustained injury on his leg. Both the above witnesses have also stated that after 15-20 days, during test identification parade they have identified both the Appellants vide identification Memo No. Ex.P-6. Both the witnesses were remained firm during their cross-examination. Test Identification Parade was conducted by L.L. Shrinivas (PW11). He has also supported the case of the prosecution. Roomlal (PW10) and Lekhrum Dhruw (PW12) have also supported the above TIP.

8. From the statement of Pradeep Singh (PW13), Head Constable, it is also established that some looted articles were seized from the accused persons. From the statement of Dr. C.B. Gupta (PW14) and as per MLC report of Sanjay Ex.P.25, it is also established that the Complainant sustained some injuries which was caused by hard and sharp object.
9. Considering the above evidence available on record, it is well established that the Appellants had committed the crime in question, thus, the trial Court has rightly convicted the Appellants which does not require any interference.
10. Consequently, I do not find any merit in this appeal. The same is dismissed.

Sd/-
(Arvind Singh Chandel)
Judge